IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 9678 of 2007(B)

PETITIONER:

C.SHARAFUDHEEN, S/O BEERANKUTTY,
CHEENIKKAL HOUSE, MUTHUR, TIRUR,
MALAPPURAM.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:
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1. THE SECRETARY,
R.T.A.MALAPPURAM.

2. REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

3. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

4. TAHSILDAR,R.R.,TIRUR.

BY GOVT.PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 9678 OF 2007 APPENDIX

Ext.P1: True copy of the permit showing validity

Ext.P2: True copy of the judgment

Ext.P3: True copy of the remittance

Ext.P4: True copy of the government order granting instalment facility

Ext.P5: True copy of the proceedings refusing temporary permit pending counter signature

Ext.P6: True copy of the rejection in M.P.No. 2612/2006 in MVA No. 562/2006

Ext.P7: True copy of the judgment in MVAA 562/2006

//True copy//

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S.SIRI JAGAN. J.

W.P.(C) No.9678 of 2007

Dated this the 21st day of June 2007

JUDGMENT

The petitioner challenged Ext.P5 order of the R.T.A. rejecting his application for temporary permit before the State Transport Appellate Tribunal. The rejection of the application is on the ground that the vehicle is covered by regular permit as Limited Stop Fast Passenger and the vehicle is more than five years old. The same was upheld by the State Transport Appellate Tribunal Ernakulam by Ext.P6 judgment . The petitioner's review application is also rejected by Ext.P7. Exts. P5 P6 and P7 are challenged before me. Originally the contention of the petitioner is that the petitioner had not settled the tax arrears. Thereafter the matter was reconsidered after the petitioner paid off the arrears and pursuant to the orders of this Court a new order has been passed raising different reasons is the contention of the petitioner. Whatever that be, it remains a fact, which is not disputed by the petitioner, that the vehicle is covered by regular permit as Limited Stop Fast Passenger. That being so the temporary permit applied for also can only be for Limited Stop Fast Passenger. It is also not disputed before me that the vehicle is more than five years old. Therefore going by Rule 260 (A) of the Kerala Motor Vehicles Rules 1989 the petitioner is not entitled to temporary permit as appied for. In the above circumstances I do not find any merit in the challenge against Exts P5 to P7

Accordingly the writ petition is dismissed.

S.SIRI JAGAN,JUDGE

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